SINGLE BENCH

(2)

C-8.1001

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.NO.4928/ 2005

Petitioner : Champa Bai
W/o Sudarshan Prasad Kurre,
Aged about 56 years,
R/o Urja Nagar Dipka Gevra
Project, Dist : Korba-(C.g.)

Versus

Respondents : 1. The General Manager,
Gevra Project
S.E.C.L, Korba –(C.G.)

2. The regional Commissioner
(CMPF) Seepat road,
Bilaspur-(C.G.)

3. Sudarshan Prasad Kurre
S/o Shri Bisahu Kurre,
Aged about 60 years
R/o Dipka Project Gevra,
At present at village Limtara
Post Office Bishrampur, Dist :
Raipur--(C.G.)

P.R. No. 4928/05
Presented by Shri Santosh Dhruv
Dated 23.12.05

WRIT PETITION UNDER ARTICLE 226 / 227 OF THE CONSTITUTION OF INDIA

शपथ आयुक्त
पुरुषोत्तम शुक्ला
बिलासपुर (छ.ग.)
बिलासपुर तहसील कोर्ट

1. Particulars of the Petitioner

As per cause title.

2. Particulars of the Respondents

As per cause title.

(25)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ....W.P.4928/.... **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	7-10-2005 Heard Mr. Prafull Bharat, counsel for the petitioner, on admission. The petitioner who is the wife of respondent No.3 has preferred this writ petition under Article 226/227 of the Constitution of India, with a prayer that respondents No.1 & 2 be directed to attach the proportionate portion of the retiral dues of respondent No.3 to satisfy the decree passed in favour of the petitioner. The case of the petitioner is that she is the married wife of respondent No.3, however, respondent No.3 developed some relations with another lady and thereafter, started ill-treating the petitioner. Therefore, the petitioner filed a petition under Section 125 of the Cr.P.C. in which the maintenance allowance of Rs.500/- per month was ordered in her favour. However, thereafter, the petitioner again moved an application under Section 18 of the Hindu Adoption and Maintenance Act, 1956, in which a compromise was entered into between the petitioner herein & respondent No.3, and the maintenance amount was settled as Rs.800/- per month including the amount which was ordered in favour of the petitioner under Section 125 of the Cr.P.C. The amount of maintenance has been paid up to 31st August, 2005. However, respondent No.3 stands retired on 31st August, 2005. An application for increase of the maintenance allowance was moved by the petitioner before the 3rd Additional District Judge, Bilaspur. After retirement, respondent No.3 is likely to withdraw all the retiral benefits and consequently the petitioner will not be able to recover her maintenance allowance from respondent No.3. As the Court of 3rd Additional District Judge is lying vacant, therefore, no order is being passed by that Court in respect of the prayer made by the petitioner for directing respondents No.1 & 2 to attach the retiral	

SP/FS/2005 - 20,000

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... W.P. 4928/ ..... **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

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benefits of respondent No.3. In the circumstances, this writ petition has been filed.

On enquiry it was informed by the Registry that the Presiding Officer has already been posted in the Court of 3rd Additional District Judge, Bilaspur, therefore, the petitioner can approach the 3rd Additional District Judge, Bilaspur for urgent and appropriate order in this matter.

It is made clear that even if any Court is lying vacant it is the duty of the concerned District Judge to allot the work of that particular Court to other Presiding Officer, so that the urgent nature of work should not suffer.

The writ petition is disposed of, at the admission stage itself, with a direction to the petitioner to approach the 3rd Additional District Judge, Bilaspur, for appropriate orders.

In view of this order, M.(W.)P.No.3974/2005 also stands disposed of.

Sd/-
L.C. Bhadoo
Judge

Sharma

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